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SUBJECT: WORKERS' RIGHTS CENTER ASSISTS INDIGENOUS WORKERS  
IN CHIMALTENANGO

REF: 08 GUATEMALA 1502

11. Summary: On February 25, Embassy officers made a site visit to a USG-funded Workers Rights Center in Chimaltenango.

Poloffs met with the project coordinator and an indigenous staff lawyer who discussed the project's achievements and challenges during the first three months of its operation. Since its opening in September 2008 through the end of December 2008, the center has provided legal assistance to 226 workers, mostly indigenous, processed 621 complaints, and educated 472 workers on their labor rights. Plans are under way to open two other workers rights centers, one in Guatemala City and the other in Villa Nueva. End Summary.

12. On February 25, poloffs visited a Workers' Rights Center that opened in Chimaltenango in September 2008 with funding from the U.S. Department of Labor (USDOL) and Catholic Relief Services (CRS). The Center provides free and confidential legal assistance and educates workers on their rights. According to project coordinator Roberto Tobar, during the first trimester (October - December 2008), the Center assisted 226 workers (195 men and 31 women), of which 204 were employed in the maquila sector. It processed a total of 621 cases, referring 66 to the courts and 555 for administrative action. Most of the cases concerned workers' compensation and benefits, denial of permission to seek medical attention, and suspension of employment contracts. In addition to providing legal assistance, the Center conducted workshops, educating a total of 472 workers from various sectors on their labor rights, and a public awareness campaign, reaching 1,500 workers in the maquila and other sectors, including the agro-export sector.

13. Tobar commented that the departments of Chimaltenango and Sacatepequez constitute a concentrated zone of agro-industrial and apparel factories that export primarily to the U.S., and that it is "an area of constant labor conflict." The key objective of the Center is to ensure that workers are apprised of their labor rights. Tobar stressed the need to increase the Center's capacity in order to enhance its credibility and engender greater confidence among workers; expand the geographic coverage of its services; incorporate its volunteers under an internship program; and implement a train-the-trainers program. He acknowledged the political support of the Ministry of Labor, and observed that labor-management relations present serious challenges.

14. CRS project coordinator Walter Paxtor Garcia noted the importance of sensitizing government officials to workers' rights and demonstrating to the GOG that change is possible. He attributed the initial success of the Center to the confidentiality and no-cost of its services; a highly competent local labor lawyer in whom workers have full confidence and trust; and its dedicated staff and volunteers.

Currently, the center has two full-time staff, including Nilda Ileana Quex de Sincal, an indigenous lawyer. She observed that Guatemala has very few indigenous female lawyers. She noted that she is one of 15 indigenous lawyers (11 men and 4 women) in the Department of Chimaltenango, and that approximately 90 percent of the workers who seek assistance at the Center are indigenous.

15. Comment: It is encouraging that within just three months, with the support of USDOL, CRS, and the Ministry of Labor, the Workers Rights Center in Chimaltenango has produced concrete results and instilled public confidence among local workers. The Center's no-cost legal and educational services in an area where many indigenous workers traditionally have had limited access to justice represent an important step toward improving respect for labor rights and building a culture of compliance. Still, administration of labor justice in the region is hobbled by lack of training for labor inspectors and lack of follow-up on court cases. A logical next step for this program would be to collaborate with the Ministry of Labor and the Attorney General's Office on training of labor inspectors and follow-up of labor cases in the courts.

McFarland